

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 17-20775

-v-

HON. PAUL BORMAN

ANTHONY MARROCCO,

Defendant.

_____ /

**MOTION TO MODIFY CONDITIONS
OF SUPERVISED RELEASE
(ORAL ARGUMENT REQUESTED)**

Now comes Anthony Marrocco, Defendant herein, by and through his lawyer Steven Fishman, and in support of his Motion to Modify Conditions of Supervised Release states as follows:

1. On September 20, 2022, Mr. Marrocco pled guilty to attempted extortion. On March 16, 2023, he was sentenced by Judge Robert Cleland to ninety days custody followed by two years of supervised release. Upon Judge Cleland's retirement, the case was assigned to this Court.
2. Mr. Marrocco, who is seventy-six years old, reported to custody on June 15, 2023. He was released from custody on September 1, 2023 and began his

supervised release at that time.

3. The conditions of supervised release included the following conditions:

a. Home detention for the first 450 days, including a prohibition on “entertainment facilities” such as broadcast television or on-line streaming, access to the Internet, house guests, or hosting any “meals, parties, or celebratory events of any kind.”¹

b. Monitoring by GPS for 360 days;

c. Participation in the Computer/Internet Monitoring Program administered by the Probation Department.

4. Since his release, Mr. Marrocco has been supervised by David Smith of the United States Probation Department, and has complied with all of the terms of his supervised release.

5. The supervised release terms imposed by Judge Cleland were by far the most onerous that defense counsel has seen in his lengthy career. Mr. Marrocco has not been able to go to work at his golf course or to visit his numerous grandchildren, nor has he been able to receive business-related emails.

6. Defense counsel, therefore, requests that the Court modify Mr. Marrocco’s conditions of supervised release in the following ways:

a. Removing the conditions requiring home detention and GPS monitoring;

¹ Judgment, Special Conditions of Probation

- b. Removing the prohibition on the use of the Internet;
- c. Removing the prohibition on other “entertainment facilities” such as television and on-line streaming;
- d. Removing the prohibition on house guests or hosting meals or parties.

7. The interests of justice would clearly be served by removing the above conditions of supervised release so that Mr. Marrocco, can go to work, have access to the Internet, and meet with his friends and family.

8. Defense counsel has been informed that the Probation Department has no objection to this motion. Defense counsel has also been informed that the government objects to this motion although no reason was given for the objection.

WHEREFORE, Defendant Marrocco requests that this Court grant his Motion to Modify Conditions of Supervised Release in the manner suggested in the motion.

Respectfully submitted,

s/ Steven Fishman (P23049)
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Dated: May 31, 2024

**BRIEF IN SUPPORT OF MOTION TO
MODIFY CONDITIONS OF SUPERVISED RELEASE**

Anthony Marrocco pled guilty to attempted extortion pursuant to a Rule 11 agreement. The parties agreed that the factual basis of the crime was simple and concise, to wit; Mr. Marrocco pressured a developer to purchase tickets to his fundraiser by indicating that the developer's permit applications to the Macomb County Department of Public Works would be delayed or denied if he did not do so. Since the developer never purchased the tickets, there was no loss to anyone and no restitution was required by the plea agreement.

Mr. Marrocco was sentenced to 90 days in custody and two years of supervised release. As indicated in the defense motion, a number of the conditions of supervised release were draconian in nature, including requirements that Mr. Marrocco remain in home confinement without access to the Internet, television, email, or other means of communication. He was also prohibited from going to work at his golf course.

Since his release from custody in September, 2023, Mr. Marrocco has faithfully abided by his conditions of supervised release and has co-operated completely with his probation officer by notifying him each and every time he requested permission to leave the house. On information and belief, Mr.

Marrocco's probation officer has approved each of those requests.

After nine months of complying with all of the onerous conditions of supervised release, there is no reason that a 76-year old man who has done everything expected of him during that time should be required to continue living under those conditions. And, most importantly, the Probation Department has no objection to the defense motion to modify those conditions.

The court, therefore, should exercise its discretion and grant the defense Motion to Modify Conditions of Supervised Release.

Respectfully submitted,

s/ Steven Fishman (P23049)
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Dated: May 31, 2024

CERTIFICATE OF SERVICE

This is to certify that on May 31, 2024, I served a copy upon Steven Cares, AUSA, by filing same electronically.

s/ Steven Fishman
Steven Fishman